

STATEMENT OF PURPOSE

RS18424

Existing provisions of Idaho law regarding the disposition of the remains of a decedent, while extensive, still left some questions unanswered, resulting in disputes and in court cases. This bill makes clarifications. For example, the question of whether the mere purchase of a burial plot constituted a prearranged plan was not clear, nor was it clear at what level of thoroughness there was a prearranged plan. This bill, rather than trying to define when a prearranged plan exists, simply provides that any matters not covered by a prearranged plan are settled as set forth in section 54-1142, Idaho Code. This gets rid of the "all or nothing" nature of the existing law and provides a practical way of covering all situations that might arise. Additionally, the bill makes it clear that alternate services may be held which do not involve the remains of the decedent. This is very clear and simple compared to the existing statute on alternate services, which has lead to court battles over alternate services. The net effect of the bill is to avoid emotional confrontations over incomplete prearranged plans.

FISCAL NOTE

This bill will have no fiscal impact.

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